

More Workforce Considerations and Reminders as COVID-19 continues

As the work environment remains “fluid”, so must an employer’s ability to plan and respond. Following is a general checklist of some employment related matters that (still) need to be kept in mind and incorporated into your planning, short and long term.

1. Health and Safety: physical and mental

- Health and safety continues to be front and centre at the workplace as the employer’s obligation to take reasonable steps to ensure a safe and healthy workplace applies to Covid-19.
- If you have recalled/will be recalling employees to work, what measures are in place to keep employees safe?
- Does your workplace’s physical layout allow for appropriate social distancing? Do changes need to be made, e.g. rearranging workspaces? installing physical barriers? reducing/eliminating shared or communal equipment or items? Do you need to stagger employee start times to reduce traffic flow through your facilities? Do your facility’s entrances and exits need to be (safely) controlled where physical distancing could be an issue?
- How will workspaces be regularly cleaned and sanitized, in particular areas and items that are commonly shared such as coffee machines, microwave ovens, photocopiers, door handles, light switches? Should items delivered to the workplace be sanitized?
- Will sanitizers and PPE (Personal Protective Equipment) e.g., masks and gloves, be available?
- If employees will be required to use PPE, be clear about when they must do so and the specific PPE. Also consider whether employees will be allowed to use their own suitable PPE.
- Stay current with legislated health and safety requirements, for example, will wearing masks indoors be mandatory? If not, encourage employees to wear masks in common areas of the building and wherever physical distancing cannot be maintained.
- Do you have a policy regarding not coming to work ill, specifically if an employee has symptoms of Covid-19 or knows that they have been exposed to somebody with Covid-19? Ensure your employees understand that they must report such incidents and other related circumstances, e.g. quarantine restrictions. What are your province’s/territory’s reporting requirements?
- For all employees, but especially those still working from home, what measures are in place to help them deal more with mental health issues related to this pandemic, including isolation?
- If your benefits program has an Employee Assistance Program component, remind employees. This pandemic period has been difficult for many and such a resource is invaluable to individuals experiencing issues that they would not feel comfortable discussing at work and/or with others. Can you provide employees with a list of local resources available to help, e.g. counselling centres, food banks, etc..

- Do you have a policy regarding visitors, i.e., non-employees, accessing the workplace, physical distancing, sanitization, PPE, other requirements?

2. Employee Policies

- Have you reviewed and updated / edited those policies that would be helpful during this period? For example:
 - Vacation, specifically regarding carryover, booking vacation time, accruals
 - Hours of work, flexibility, for example, staggering/flexing hours to accommodate personal situations due to this pandemic, such as child care and/or public transit concerns
- Do you have policies on how to safely conduct work with co-workers and others? Can appointments be staggered? Can technology be maximized used to reduce in-person contact?
- Review your policies regarding work refusals and respond appropriately to employee concerns or refusals to work due to workplace health and safety concerns.
- Do you have a specific Working from Home policy?
 - IT security e.g., using personal equipment, accessing organization servers/databases
 - Hours of work / availability
 - What are the communications expectations?
 - How will the organization address expenses related to working from home? Keeping it simple would be a good approach. For example, consider a policy that:
 - ✓ reimburses approved legitimate business expenses
 - ✓ defines eligible expenses
 - ✓ requires employees to obtain pre-approval for eligible expense over a certain \$ value
 - ✓ requires receipts in order for reimbursement to occur
 - ✓ sets out a timeframe for submitting expenses, ex within 30 days, to keep reimbursement manageable
 - ✓ states what happens to employer paid “tools” upon termination of employment
 - ✓ also indicates that if an employee chooses to claim non-reimbursed expenses in their personal tax filing then they are advised to seek proper accounting / tax advice in advance to avoid unpleasant surprises. Your policy should therefore include that:
 - it is solely the employee’s responsibility to obtain the employer’s approval in advance regarding the expenses for which they wish a T2200
 - it is solely the employee’s responsibility to ensure compliance with CRA criteria
 - there is no guarantee that CRA will agree / allow T2200 expenses
 - the employer will not be held accountable for any expenses denied by the CRA

- employees are solely responsible for obtaining independent accounting/tax advice regarding their personal tax filings, especially in regards to business expenses, whether or not they are supported by a T2200.
- Develop “Return to Work” policies.
 - Will you require employees to perform a self-assessment or complete a questionnaire prior to attending work?
 - If you wish to implement measures such as mandatory temperature taking please ensure this is permissible in your province/territory and also be aware of related legislation such as privacy, human rights.
 - How will Covid-19 related issues be addressed?
 - How will concerns / refusals to return to work be addressed?

3. Workforce planning options

- Is it essential for every staff member to physically carry out their work at the “office”?
 - If yes, can you stagger shifts / allow for flex hours/day?
 - If no, what framework is in place to support working from home?
- If you have temporarily laid off employees as a result of this pandemic, keep an eye on when the temporary layoff(s) end and determine what options you may have to avoid any unintended terminations or other consequences. Check your provincial / territorial employment legislation for updates. For example, the Ontario government recently passed the Infectious Disease Emergency Leave regulation within the Employment Standards legislation specific to the period of this pandemic to protect both employees and employers. Under this new regulation:
 - “a non-unionised employee whose employer has temporarily reduced or eliminated their hours of work because of COVID-19 is deemed to be on a job-protected Infectious Disease Emergency Leave”.
 - “an employee is not considered to be laid off if their employer temporarily reduces or eliminates their hours of work for COVID-related reasons. This means the layoff clock stops ticking towards becoming a termination of employment”.
 - “an employee is not considered to be constructively dismissed under the ESA if their employer temporarily reduces or eliminates their hours of work or wages for COVID-related reasons”.

<https://www.ontario.ca/document/your-guide-employment-standards-act-0/infectious-disease-emergency-leave>
- As much as possible, think ahead to when the pandemic is over and determine what:
 - the work priorities will be, and plan accordingly
 - the “new normal” will be at your workplace

- How will your organization return employees to work? Can some jobs continue to be done remotely?
- Is there any training/prep that can be done now, either on-site and safely or remotely, to ensure preparedness for the “new normal”?
- Consider where and how accommodations can be made for personal circumstances.

4. Group benefits

- Some insurance providers have provided some degree of financial / premium relief to employers. Contact your provider if you haven’t heard from them.
- Check if your benefits program has an Employee Assistance Program component. If yes, ensure employees are aware of this benefit. If not, consider adding this benefit and let employees know.

5. Communications with employees

- Continue to regularly keep staff apprised and provide them with the training / guidelines / orientation that they will need to be able to keep themselves and the workplace healthy and safe.
- Are there other ways to help employees be safe at work? Ask employees about their concerns so that these can be addressed in advance and as part of the planning.
- Even if you have nothing new to share, simply stay in touch. For some employees, being away from work and their colleagues is resulting in feelings of isolation and stress. Find ways to “keep the team together” while apart.

There is much to consider in adjusting to our current reality and in planning for the “new normal. Staying current with the legislation and guidelines in the jurisdictions where you operate – at all levels: municipal, provincial/territorial, federal - is always important and more so now as circumstances and decisions change regularly in response to Covid-19. Focus on planning, anticipating, staying flexible, and communicating with employees to move through this pandemic and not get left behind. Stay well and stay safe!